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DIGEST OF OTHER RECENT VIRGINIA DECISIONS.

(Syllabi prepared by M. P. Burks, State Reporter.)

MAURY V. COMMONWEALTH.—Decided at Richmond, December 5, 1895.—*Keith, P:*

1. **CONSTITUTIONAL LAW**—*Right to sue a State—vested rights—case at bar.* The privilege of suing a State is not an absolute right, but is allowed as a matter of grace. It may be extended or withheld at the pleasure of the State; and, once granted, it may be recalled at pleasure, unless during its existence rights have vested under or by virtue of it which the State has no constitutional right to defeat or impair by its subsequent recall. Further, if an act merely authorizes a judicial inquiry into the rights of parties, but does not confer the power to enforce the results of such inquiry, its repeal is not prohibited by the Constitution of this State or of the United States. Tested by these rules, the right conferred by sec. 408 of the Code (amended by the Act of February 22, 1890—Acts 1889-'90, pp. 76-77), to test the genuineness of certain papers alleged to be coupons cut from bonds of the State, in the manner therein specified, did not confer upon the holder of such coupons such vested right that the State could not take away the right thereby conferred; and the Act of February 21, 1894 (Acts 1893-'4, p. 381), repealing sec. 408 of the Code and the Act amendatory thereof is valid and constitutional.

SPOONER'S ADMR. V. HILBISH'S EXOR. AND OTHERS.—Decided at Richmond, December 5, 1895.—*Riely, J:*

1. **PERSONAL REPRESENTATIVE**—*Privity with decedent—impeachment of decedent's acts—incomplete gifts.* The personal representative of a decedent is in privity with the decedent, and cannot impeach as fraudulent a transaction of his decedent in his lifetime. But such personal representative, nevertheless, has the right, and it is his duty, to recover as assets of his decedent's estate the subject of a gift or voluntary assignment which was not perfected by the decedent in his lifetime.

2. **CHANCERY PLEADING**—*Suits to avoid incomplete gifts by decedent—parties.* A creditor of a decedent who is also his personal representative may maintain a suit in his dual capacity to declare null an alleged assignment made by the decedent, in his lifetime, of a policy on his life, where it is charged that neither the policy nor the assignment was delivered to the assignee; that the assignment was voluntary and without consideration; and that there is a deficiency of assets to pay the debts of the decedent. He may sue in his own right and make himself a party defendant in his representative capacity. The personal representative was a necessary party to the suit, but, under the facts of this case, it was immaterial whether the personal representative was plaintiff or defendant.

3. **MULTIFARIOUSNESS**—*No general rule—convenience—injury to parties—multiplicity of suits.* It is impossible to lay down any universal rule as to what constitutes multifariousness, but each case must be determined by its own particular circumstances. Courts look particularly to convenience in the administration of justice, and if this